



US Army Corps
of Engineers

Detroit District

Public Notice

Applicants: Mark and Peggy Ament

In Reply Refer To: Corps File No. LRE-2010-00710-38-S10
MDNRE File No. 10-42-28-P

Date: February 23, 2011, 2011
Expires: March 20, 2011

Proposed Dredge, Bulkhead and Breakwater in Lake Superior at Betsy, Michigan

Applicant: Mark and Peggy Ament
1386 Martingale Lane
Neenah, WI 54956

Project Location: The site is located near 10725 Jarve Rd, at the outlet of the Big Betsy River into Lake Superior, in Betsy, Keweenaw County, Michigan.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Natural Resources and Environment (MDNRE), Land and Water Management Division and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to replace and/or restore the bulkhead on the east and west sides of the Big Betsy River and the breakwater located in Lake Superior at the mouth of the Big Betsy River. This work would take place in three phases over several years.

Phase 1: The applicant proposes to repair and/or replace approximately 105 feet of the bulkhead cribs and bulkhead facing on each side of the Betsy River, immediately upstream of Lake Superior (Section 2; Sheets 11, 14, & 15 of 18). This work would consist of dredging approximately 104 cubic yards of material from a 14' x 100' area to a maximum depth of 596.98 IGLD 1985 (Dredge Area 2; Sheets 5 & 6 of 18) from the mouth of the Betsy River and placing the material in an upland location landward of the Ordinary High Water Mark (OHWM) of Lake Superior; removing the existing deteriorated concrete walkway on the west side of the river; installing 18 pilings on each side of the river to reinforce the existing cribs; replace or repair in place approximately 105 feet of the existing wood bulkhead cribs on each side of the river;

install tongue and groove wooden bulkhead facing on the restored bulkhead cribs; discharge approximately 75 cubic yards of crib rock and dredged sand, as backfill, into the confines of the restored bulkhead cribs; rebuild existing wood splashwall on the east side of the river; and discharge approximately 16 cubic yards of concrete to cap the repaired bulkhead cribs and create a new 105' x 8' walkway landward of the new wooden bulkhead facing on both sides of the Betsy River.

The applicant proposes to dredge approximately 104 cubic yards from Dredge Area 2 (Sheet 4 of 17) on an annual basis to maintain navigational access.

Phase 2: The applicant proposes to reconstruct approximately 80' of a preexisting permanent crib breakwater at the mouth of the Betsy River waterward of the Ordinary High Water Mark of Lake Superior (OHWM) (Section 3; Sheets 11, 16, & 17 of 18). This work would involve the removing approximately 444 cubic yards of existing crib rock and store in an upland location above the OHWM; reinforcing the remaining salvaged breakwater crib timbers by installing 13 pilings on each side of the breakwater, installing four 8' x 20' crib sections, discharging the 444 cubic yards of crib rock salvaged from the deteriorated breakwater cribs and 461 cubic yards of new crib rock obtained from an upland location, into the repaired wood breakwater cribs; install approximately 160 linear feet of wood bulkhead facing – 80 feet on each the east and west inside surface of the breakwater; and discharge approximately 12 cubic yards of concrete to cap the breakwater to create a 8' x 80' walkway.

Phase 3: The applicant proposes to repair existing bulkhead cribs along the Betsy River, upstream of Lake Michigan, north of the Phase I work (Sheets 11 & 18 of 18), in the Village of Betsy. This work would consist of dredging approximately 67 cubic yards of material from a 12' x 50' area (Dredge Area 1; Sheets 5 & 7 of 18) to a maximum depth of 596.98 IGLD 1985 and place in an upland location landward of the OHWM of Lake Superior.

On the west side of the river the applicant would rebuild approximately 130 feet of wooden bulkhead cribs. This work would include installing 21 PVC pilings at 6' intervals waterward of the existing bulkhead cribs; adding additional 8' x 8' timbers to the repaired crib sections to raise the height of the bulkhead approximately 16"; refacing the repaired bulkhead crib sections with approximately 130 linear feet of new tongue and groove wood facing; discharging approximately 116 cubic yards of new sand as backfill into the bulkhead cribs; and discharging approximately 19 cubic yards of concrete into a 8' x 50' area immediately landward of the new bulkhead facing, capping the repaired bulkhead cribs to create a new concrete walkway.

On the east side of the river the applicant proposes to rebuild approximately 50 feet of preexisting wood bulkhead in the same manner as above, reinforcing the remaining serviceable structure by installing 8 PVC pilings; adding additional 8' x 8' timbers to the repaired crib sections to raise the height of the bulkhead approximately 16"; refacing the repaired bulkhead cribs with new tongue and groove wood facing; discharging approximately 44 cubic yards of new sand as backfill into the bulkhead cribs; and discharging approximately 7 cubic yards of concrete into an 8' x 50' area immediately landward of the new bulkhead facing, capping the repaired bulkhead cribs to create a new concrete walkway.

The purpose of the project is to repair existing bank protection along the Big Betsy River and to restore and maintain recreational navigation access to Lake Superior.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization to Waters of the United States: “Alternative locations for the breakwater were not considered because some of the existing wood cribs that make up the seawall and the breakwater will be repaired in place, which will minimize the amount of new material required. Changing the layout of the breakwater was not considered, as the existing layout protects the Lake Superior shoreline equally on both sides of the breakwater structure and also protects the cottages that have been built along the beach since the original breakwater was put in place.”

The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

Compensatory Mitigation: The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States:

Mitigation is not necessary or appropriate for the proposed work because: “Repairing an existing structure.”

The Corps has not verified the adequacy of this mitigation proposal at this time.

Other Authorizations:

The applicant has either received or requested the following governmental authorization: MDNRE Permit Number: 10-42-0028-P, Issued December 16, 2010

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2010-00710-38-S10 (10-42-28-P). We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Charles M. Simon, Chief, Permit Evaluation Western Branch, Regulatory Office, Detroit District, Corps of Engineers, 477 Michigan Avenue, Detroit, Michigan 48226-2550. Comments may be e-mailed to: sabrina.m.miller@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Natural Resources and Environment, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places.

There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Sabrina Miller at the Corps of Engineers address listed above or by phone at (313) 226-7495.

FOR THE DISTRICT ENGINEER:

Charles M. Simon
Chief, Permit Evaluation Western Branch
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.